

Appln No. 10/779,467
Amdt date December 8, 2005
Reply to Office action of September 8, 2005

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 7. This sheet, which includes Fig. 7, replaces the original sheet including Fig. 7.

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

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REMARKS/ARGUMENTS

Claims 1-29 are pending in the present application, of which claims 4, 6, 8, 9, 13 and 28 have been withdrawn from consideration. The Declaration filed June 16, 2004, has been considered defective. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) and 37 CFR 1.84(p)(5). Claims 10, 19, and 29 have been objected to because of informalities. Claims 1-3, 5, 10-12, 14, 16-18, 20-24, 26 and 27 have been rejected under 35 U.S.C. 102(e) as being anticipated by Selig et al., U.S. Patent No. 6,903,280. Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Selig et al. Claims 15, 19, 25 and 29 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Selig et al. in view of Sakamoto et al., U.S. Pub. No. 2003/0067196. In view of the foregoing amendments and the following remarks, Applicants submit that the claims are now in condition for allowance.

In response to the Restriction Requirement dated May 16, 2005, Applicants elected species VIII, which corresponds to FIGS. 5 and 7 with claims 1-3, 5-7, 10-12 and 14-29 readable thereon. Thus, Applicants withdrew claims 4, 8, 9 and 13 from further consideration. However, claims 6 and 28 have also been withdrawn from consideration in the Office action. Applicants respectfully request that claims 4, 6, 8, 9, 13 and 28 be examined when generic claim 1 is deemed allowable.

The Declaration has been considered defective for not specifying the application number of one of the foreign applications from which the present application claims priority. Applicants are in the process of preparing a corrected declaration and will submit the corrected Declaration as soon as it is available

FIG. 5A and 7 have been objected to for using the reference numbers 31a and 52 for the same part, namely the protrusion 31a shown in FIG. 5A. Applicants have amended FIG. 7 to

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renumber the protrusion shown in that figure as 31a so as to be consistent with the same part shown in FIG. 5A.

FIG. 7 has been objected to for showing reference number 61 without this reference number being mentioned in the specification. FIG. 7 has been amended to show the plug 60 that is shown in FIG. 5A. Furthermore, the reference number 61 has been changed to 60 and the corresponding lead line thereof now points to the plug 60.

Claims 10, 19 and 29 have been objected to for certain informalities noted in the Office action. Applicants have amended these claims consistent with the recommendations provided by the Examiner for overcoming the objections. Therefore, Applicants respectfully request that the objection to claims 10, 19 and 29 be withdrawn.

Claims 1-3, 5, 10-12, 14, 16-18, 20, 21-24, 26 and 27 have been rejected under 35 U.S.C. § 102(e) over Selig et al. Applicants respectfully traverse this rejection.

Claim 1 recites a tubular drive element pivotably connected to the seat element constituting a component of a displacement arrangement for an adjustable part of the motor vehicle seat. In contrast, Selig et al. does not disclose or even suggest such a tubular drive element.

Referring to FIGS. 7 and 8 of Selig et al., a force transducer 104 is disposed between a rail 106 and an articulated lever 108 of the vehicle seat and extends along the flange 118. The force transducer includes a non-deforming part 110 and a deformable part 112. The non-deforming part 110 is held by the rail 106 such that it is fixed by screws (not shown). The deformable part 112 includes a pivot point 114 that is formed by a carrying bolt 116, which passes through the deformable part 112 and carries the articulated lever 108 (shown in FIG. 8). The deformable part 112 can deform through a range defined by the opening 120 between the bolt 116 and the flange 118.

The Examiner refers to FIG. 8 of Selig et al. to state that Selig et al. shows a tubular drive element. However, the Examiner does not specifically identify the part of Selig et al. to which

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he refers as the tubular drive element. If the Examiner is referring to the carrying bolt 116 as the tubular drive element, Applicants respectfully submit that the carrying bolt 116 is not tubular. As shown in FIG. 8 of Selig et al., the carrying bolt 116 is shown to be solid. If the Examiner is referring to the deformable part 112 of the load cell 104 as the tubular drive element, Applicants respectfully submit that the deformable part 112 is a component of the load cell 104, i.e. the weight sensor, is not pivotably connected to any seat element, and does not constitute a component of a displacement arrangement for an adjustable part of the motor vehicle. The non-deforming part 110 of the load cell 104 is attached to the flange 118. The deformable part 112 deforms relative to the non-deforming part 110 based on the weight carried by the seat. Referring to FIG. 8 and column 9, lines 57-65 of Selig et al., the opening 120 defines the maximum deformation of the deformable part 112 so as to prevent damage to the load cell 104. Thus, the deformable part 112 is not pivotable about the bolt 116, the flange 118, and/or the lever 108, but simply deflects or deforms through a range defined by the opening 120 based on the weight carried by the seat.

Based on the foregoing, Applicants submit that Selig et al. fails to disclose or even suggest a tubular drive element pivotably connected to the seat element constituting a component of a displacement arrangement for an adjustable part of the motor vehicle seat. Therefore, claim 1 and claims 3, 5, 10-12, 14, 16-18, 20, 21-24, 26 and 27 are patentable over Selig et al.

Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Selig et al. Applicants respectfully traverse this rejection. Claim 7 depends from claim 1 through intervening claim 5. Therefore, Applicants submit that in view of the foregoing arguments present herein in support of patentability of claim 1, claim 7 is also patentable over Selig et al.

Claims 15, 19, 25 and 29 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Selig et al. in view of Sakamoto et al. Claims 15, 19, 25 and 29 depend from claim 1 either directly or through intervening claims. Therefore, Applicants submit that in view

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of the foregoing arguments present herein in support of patentability of claim 1, claims 15, 19, 25 and 29 are patentable over Selig et al. in view of Sakamoto et al.

In addition, claims 25 and 29 recite that the tubular drive element constitutes a transverse tube that runs from one longitudinal side of a motor vehicle seat to the other. The Examiner states on page 6 of the Office action that Selig et al., discloses the tubular drive element but lacks a transverse tube. The Examiner further states that Sakamoto et al. discloses a transverse tube shown by the connecting bar 28, and that it would have been obvious to extend the tubular drive of Selig et al. with the transverse tube 28 of Sakamoto et al, because one would have been motivated to make the modification in view of the suggestion is Sakamoto et al. that the transverse tube connects seat elements spaced under the seat to maintain a predetermined width.

As discussed above in support of patentability of claim 1, Selig et al. fails to disclose or even suggest a tubular drive element pivotably connected to the seat element constituting a component of a displacement arrangement for an adjustable part of the motor vehicle seat. In particular, Applicants explained that the bolt 116 or the deformable part 112 of Selig et al. cannot be considered a tubular drive element as recited in claim 1.

Applicants respectfully submit that Sakamoto et al. also fails to disclose or even suggest a tubular drive element pivotably connected to the seat element constituting a component of a displacement arrangement for an adjustable part of the motor vehicle seat. Furthermore, Sakamoto et al., fails to disclose or even suggest that the tubular drive element is mounted on the seat element via the weight sensor.

Referring to FIGS. 1, 3 and 4 of Sakamoto et al., the seat 10 includes a seat cushion 10a that is mounted on the slide mechanism 10d with attachment structure units 20b having load sensors 20a. As shown in FIGS. 3 and 4, each of the load sensors 20a has a plate 21 with a strain gauge 22 mounted thereon. As shown in FIGS. 6 and 7, the strain on the plate 21 as a result of the weight of an occupant on the seat cushion 10a is sensed by the strain gauge 22. Sakamoto et al., also discloses a connecting rod 28 that is fixedly attached to the seat rail 12 for maintaining a predetermined width between the attachment structure units 20b.

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Therefore, the function of the connecting rod 28 of Sakamoto et al. is maintaining a predetermined width between the attachment structure units 20b. However, the connecting rod 28 is fixedly, and not pivotably, attached to the upper rail 12 with a bolt 14 and a nut 15. The connecting rod 28 is not mounted on the rail 12 via the plate 21 (i.e., the weight sensor). Additionally, the connecting rod 28 is not a part of any displacement arrangement for an adjustable part of the seat.

In addition, it is not understood how Selig et al. would be modified by the teachings of Sakamoto et al. to incorporate a tubular drive element that both runs "from one longitudinal side of a motor vehicle seat to the other," as recited in claim 25, and "is mounted on the seat element via the weight sensor" as recited in claim 1.

Based on the foregoing, Selig et al. and Sakamoto et al., considered either individually or in combination, fail to disclose or even suggest at least a tubular drive element pivotably connected to the seat element constituting a component of a displacement arrangement for an adjustable part of the motor vehicle seat. Furthermore, Sakamoto et al, fails to disclose or even suggest a tubular drive element that is mounted on the seat element via the weight sensor. Therefore, claims 25 and 29 are patentable over Selig et al., in view of Sakamoto et al.

Claims 15 and 19 depend from claim 1 through intervening claims. As discussed in detail above, because any one of Selig et al. and Sakamoto et al. fails to disclose or even suggest at least a tubular drive element pivotably connected to the seat element constituting a component of a displacement arrangement for an adjustable part of the motor vehicle seat, claims 15 and 19 are patentable over Selig et al. in view of Sakamoto et al.

Applicants have added new independent claim 30, which recites that a longitudinal axis of the weight sensor extends along an axis of the tubular drive element. As described in detail in the foregoing in support of patentability of claim 1, Selig et al. and Sakamoto et al. fail to disclose or even suggest fail to disclose or even suggest at least a tubular drive element pivotably connected to the seat element constituting a component of a displacement arrangement for an

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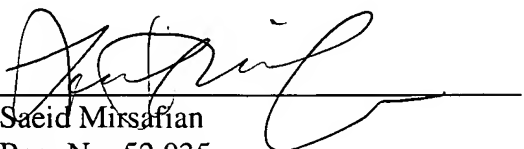
adjustable part of the motor vehicle seat. Furthermore, Applicants submit that Selig et al. and Sakamoto et al. fail to disclose or even suggest that a longitudinal axis of the weight sensor extends along an axis of the tubular drive element.

With regard to Selig et al., the Examiner states on page 5 of the Office action that the weight sensor "extends axially inside an element 118 nonpivotally connected thereto." Therefore, with reference to FIG. 7 of Selig et al., the load cell 104 extends axially along the flange 118. With regard to Sakamoto et al., the plate 21, which is part of the weight sensor assembly of Sakamoto et al., does not extend along an axis of any tubular drive element. The plate 21 actually extends parallel to the upper rail 12 and perpendicular the connecting rod 28.

Therefore, because both Selig et al. and Sakamoto et al. fail to disclose or even suggest that a longitudinal axis of the weight sensor extends along an axis of the tubular drive element, claim 30 is patentable over any one of Selig et al. and Sakamoto et al.

In view of the foregoing, Applicants respectfully request a timely indication of allowance. Should there be any further issues that can be addressed by telephone, Applicants invite the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,
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FIG 7

